

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CR. NO. 3:05-554 (CMC)
)	
v.)	OPINION and ORDER
)	
Emanuel Howard,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255. ECF No. 46. On February 10, 2016, the Government filed a response to Defendant's motion indicating that in light of the Fourth Circuit's holding in *Johnson v. United States*, __ U.S. __, 135 S.Ct. 2551 (2015), Defendant's motion should be granted and his sentence pursuant to 18 U.S.C. § 924(e) vacated. ECF Nos. 52 & 53.

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order in CR 3:05-554 filed June 12, 2006, is hereby **vacated**, and this matter is set for resentencing on **Tuesday, March 1, 2016, at 3:30 p.m.** The Federal Public Defender is appointed to represent Defendant for purposes of resentencing.

Defendant's emergency motion for order authorizing release pending a decision on his 28 U.S.C. § 2255 motion (ECF No. 48) is moot.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
February 11, 2016